

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Carmen Carter,
Plaintiff

Case No. 1:00-cv-739

vs

The E.W. Scripps Company,
Defendants

ORDER
(Spiegel, J.; Hogan, M.J.)

This matter is before the Court on plaintiff's motions leave to proceed *in forma pauperis* (Doc. 81) and for order providing free transcripts. (Doc. 82).

Plaintiff filed a notice of appeal in this matter on November 5, 2003. (Doc. 79). At that time, plaintiff paid the full filing fee of \$255.00. (Doc. 79, attachment). Accordingly, to the extent plaintiff seeks leave to appeal this matter *in forma pauperis*, the motion is DENIED as moot.

To the extent such motion seeks the appointment of counsel on appeal, the motion is DENIED. For the reasons stated in the Court's order granting summary judgment for defendant (Doc. 77), plaintiff's claims lack merit. This factor weighs against appointment of counsel. *See Leon v. Fed. Reserve Bank of Chicago*, 823 F.2d 928, 930 (6th Cir. 1987).

Plaintiff's motion for an order for a free transcript is DENIED. There are simply no proceedings which require transcription in connection with plaintiff's

appeal of the Order granting defendant's motion for summary judgment.

Plaintiff is free to file motions in the Court of Appeals for the appointment of counsel and for a free transcript if such printing is required by the appellate court. *See* 28 U.S.C. § 1915(c).

IT IS SO ORDERED.

Date: 1/8/2004

s/Timothy S. Hogan
Timothy S. Hogan
United States Magistrate Judge

J:\KLL\00-739ifp-appeal.wpd